

Panaji, 16th June, 2011 (Jyaistha 26, 1933)

SERIES I No. 11

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

NOTE

There is one Extraordinary issue to the Official Gazette, Series I No. 10 dated 9-6-2011 namely, Extraordinary dated 9-6-2011 from pages 103 to 104 regarding Repayment of 11.50% Goa State Development Loan, 2011- Press Communique No. 1-45-96/Fin (DMU)PF from Department of Finance (Debt. Management Division).

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GOVERNMENT OF GOA

Department of Finance

Revenue & Control Division

Notification

22/1/96-Fin(R&C)

Read: (1) Notification No. 2/3/85-Fin(R&C) dated 23-8-1985, published in Official Gazette Series I No. 22 dated 29-8-1985.

(2) Notification No. 2/3/85-Fin(R&C) dated 21-5-1997, published in Official Gazette Series I No. 10 dated 5-6-1997.

In exercise of the powers conferred by section 4 of the Goa, Daman and Diu Toddy

Tappers Welfare Fund Act, 1984 (Act 17 of 1985), the Government of Goa, after consultation with All Goa Toddy Tappers Association hereby frames the following Scheme so as to further amend the Goa, Daman and Diu Toddy Tappers Welfare Fund Scheme, 1985 as follows, namely:—

1. *Short title and commencement.*— (1) This Scheme may be called the Goa Toddy Tappers Welfare Fund (Second Amendment) Scheme, 2011.

(2) It shall come into force at once.

2. *Amendment of clause 9.*— In clause 9 of the Goa, Daman and Diu Toddy Tappers Welfare Fund Scheme, 1985 (hereinafter called the Principal Scheme), in sub-clause (2), for the expression “Rs. 50,000/- (Rupees fifty thousand only)”, the expression “Rs. 75,000/- (Rupees seventy five thousand only)” shall be substituted.

3. *Amendment of clause 10.*— In clause 10 of the principal Scheme,—

(i) in sub-clause (1), for the expression “Rs. 30,000/- (Rupees thirty thousand only)”, the expression “Rs. 50,000/- (Rupees fifty thousand only)”, shall be substituted.

(ii) in sub-clause (2), for the expression “Rs. 30/- (Rupees thirty only)”, the expression “Rs. 103/- (Rupees one hundred and three only)”, shall be substituted.

By order and in the name of the Governor of Goa.

Surendra F. Naik, Under Secretary, Finance (R&C).

Porvorim, 15th June, 2011.



Department of Law & Judiciary

Legal Affairs Division



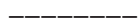
Notification

7/7/2011-LA

The Goa Registration of Tourist Trade (Amendment) Act, 2011 (Goa Act 7 of 2011), which has been passed by Legislative Assembly of Goa on 30-3-2011 and assented to by the Governor of Goa on 10-6-2011, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 15th June, 2011.



The Goa Registration of Tourist Trade (Amendment) Act, 2011

(Goa Act 7 of 2011) [10-6-2011]

AN

ACT

further to amend the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982).

Be it enacted by the Legislative Assembly of the State of Goa in the Sixty-second Year of the Republic of India, as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Registration of Tourist Trade (Amendment) Act, 2011.

(2) It shall come into force on such date as the Government may, by notification, in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982) (hereinafter referred to as the “principal Act”),—

(i) the existing clauses (a) and (aa) shall be re-numbered as clauses (aa) and (aaa) respectively and before clause (aa) as so re-numbered, the following clause shall be inserted, namely:—

“(a) ‘adventure sports operator’ means a person operating adventure sports, such as, aero sports, go-carting, bungee jumping, wind surfing, paragliding, hot air balloon etc.”;

(ii) in clause (aa), so re-numbered for the words “and canoe”, the figure and words “parasailing and canoe” shall be substituted;

(iii) in clause (g), after the words “label on the articles” and before the words “failure to give cash memos” the expression “operation of water sports by a water sports operator without Certificate of Registration or without safety equipment on the vessel, charging of more fees by the tourist taxi operator than the one specified for the purpose” shall be inserted;

(iv) after clause (j), the following clauses shall be inserted, namely:—

“(jj) ‘spice plantation’ means a place where tourists visit and can get first hand information and view of spice plants/ trees on payment of monetary consideration”.

“(jjj) ‘tourist taxi operator’ means a person or firm operating motor vehicles for tourists on rental basis and for which permission has been granted by the Transport Department”.

(v) after clause (kk), the following clause shall be inserted, namely:—

“(kkk) ‘tour operator’ means a person or a firm operating or conducting sight seeing or individual tours to the tourists for which licence has been issued by the Transport Department”.

(vi) after clause (n), the following clause shall be inserted, namely:—

“(nn) ‘water sports operator’ means a person operating boats/parasailing/jetskii/kayaking/canoeing/rafting/scuba diving, etc., to tourists and includes water sports equipment dealer.”.

3. *Amendment of section 10.*— In section 10 of the principal Act, in sub-section (i), after clause (d), the following clause shall be inserted, namely:—

“(e) if the hotel-keeper has failed to renew the certificate within a period of one month from the date of its expiry”.

4. *Insertion of new section 10A.*— After section 10 of the principal Act, the following section shall be inserted, namely:—

“10A. *Closure of hotel.*— If the holder of a certificate issued under section 8 of this Act intends to close down his business in the premises during the period of validity of the certificate, he shall inform the same to the prescribed authority in writing at least fifteen days prior to the date on which he actually intends to close down the business alongwith original certificate”.

5. *Amendment of section 17.*— In section 17 of the principal Act, in sub-section (i) after clause (d), the following clause shall be inserted, namely:—

“(e) if the travel agent has failed to renew the certificate issued under section 15 of this Act, within a period of one month from the date of its expiry”.

6. *Insertion of new section 17A.*— After section 17 of the principal Act, the following section shall be inserted, namely:—

“17A. *Restrictions on travel agent to function as recruiting agent.*— No travel agent registered under this Act shall commence or carry on any business of recruitment for an employer or by representing such employer with respect to any matter in relation to such recruitment including dealing with the persons so recruited or desiring to be recruited unless he/she has obtained a certificate from the registering authority under the Emigration Act, 1983 (Central Act 31 of 1983)”.

7. *Insertion of new Chapter IV A.*— After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER IV-A

Registration of Tour Operators, Water Sports and Adventure Sports Operators, etc.

19A. *Registration.*— (1) No person shall, in the tourist area, carry on the business of a tour operator, water sports operator, adventure sports operator, spice plantation or of providing temporary huts for the purpose of accommodation, unless he is registered in accordance with the provisions of this Act.

(2) Every person intending to start business under sub-section (1) shall apply for registration to the prescribed authority in the prescribed manner, alongwith prescribed fee.

(3) Notwithstanding anything contained in sub-section (2), any person already engaged in any of the business as specified under sub-section (1) shall apply for registration within three months from the date of commencement of the Goa

Registration of Tourist Trade (Amendment) Act, 2011.

(4) Every application made under sub-sections (2) or (3) as the case may be, disposed off within a period of one month from the date of receipt of the application.

19B. Certificate.— The prescribed authority shall, unless registration is refused under section 19D, direct that the name and particulars of the person starting business as specified in sub-section (1) of section 19A, be entered in the register maintained for the purpose and issue a certificate to the person in the prescribed form subject to such terms and conditions and on payment of such fees as prescribed.

19C. Renewal of Certificate of Registration.— (1) The Certificate of Registration issued under section 19B shall be valid for a period of one year from the date of issue and shall be renewable before its expiry on payment of fees as prescribed.

19D. Refusal to register.— (1) The prescribed authority may refuse to register the business as specified in sub-section (1) of section 19A on any of the following grounds, namely:—

(a) if the applicant does not possess essential requirements or qualifications as prescribed;

(b) if he has been convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 (45 of 1860) or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling, profiteering, adulteration of food or drugs, or corruption and a period of two years have not elapsed since the termination of the sentence imposed upon him;

(c) if he has been declared as an insolvent by a Court of competent jurisdiction and has not been discharged;

(d) if registration is refused to him and a period of three months have not been elapsed from the date of refusal;

(e) if in the opinion of the prescribed authority there is sufficient ground to be recorded in writing, for refusing registration.

(2) No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard".

8. Amendment of section 22.— In section 22 of the principal Act,—

(i) for the words "travel agent", the expression "travel agent or as mentioned in sub-section (i) of section 19A" shall be substituted;

(ii) for the letters and figures "Rs. 10,000/-" the letters and figures "Rs. 1,00,000/-", shall be substituted.

Explanation.— A person who has made an application for renewal of certificate before the date of its expiry and if the same is pending disposal then he shall not be a defaulter for the purposes of this section".

9. Insertion of new section 25A.— After section 25 of the principal Act, the following section shall be inserted, namely:—

"25A. Penalty for unauthorized sale, etc.— Any person who indulges in selling any articles, materials, etc., in any tourist area, without any licence or permission under any law for the time being in force, then such articles, materials, goods, etc., shall be confiscated by the officials authorized by the Government and the same shall be returned only on payment of minimum fine of Rs.10,000/- which may extend to Rs. 25,000/-. In the event of non-payment of fine, such confiscated articles, materials, goods etc., shall be disposed of by a public auction and the proceeds thereof shall be deposited in the Government Treasury. An inventory of all

the confiscated items shall be maintained by the official confiscating the same".

10. *Amendment of section 27.*— In section 27 of the principal Act, for the letters and figures "Rs. 2,000/-", the letters and figures "Rs. 10,000/-" shall be substituted.

11. *Amendment of section 28.*— In section 28 of the principal Act, in sub-section (1), for the letters and figures "Rs.10,000/-", the letters and figures "Rs. 20,000/-" shall be substituted.

Secretariat, PRAMOD V. KAMAT
Porvorim-Goa. Secretary to the Govt. of Goa,
Dated:15-6-2011. Law Department (Legal Affairs).

◆◆◆

Department of Science, Technology & Environment

Policy

GCZMA/H. COURT MATTER/07/656/
/Part IV/311

Policy for utilization of available open plots in
CRZ-III Zone for the purpose of establishing
Hotels/Beach Resorts

Background

1. As per paragraph 32(D) of the directions contained in the Judgement and Order of the Hon'ble High Court of Bombay at Goa, Panaji, in Writ Petition No. 422 of 1998 (Goa Foundation v/s Village Panchayat of Candolim & ors.) with Writ Petition No. 99 of 1999 (Goa Foundation v/s Village Panchayat of Calangute & ors.), the State Government has been directed-

"to identify the open plots in CRZ-III zone which are available for construction of hotels and to frame appropriate policy/ /regulation for utilization thereof before they are being allowed to be utilized for such construction activities."

2. The Goa Coastal Zone Management Authority (GCZMA)/Department of Science,

Technology and Environment (DSTE), Government of Goa entrusted this task of identifying and delineating the open vacant plots above an area of 4000 sq. mts., in CRZ-III zone along the coastline of the State of Goa to M/s. Remote Sensing Instruments (RSI), Hyderabad. This Agency had carried out the task of identification of structures existing as in 1991 when the CRZ Notification, 1991 came into force and the structures that came up subsequently by temporal study of satellite imagery between 1991 and 2006 followed by field checks as per directions of the Hon'ble High Court in the same Writ Petitions detailed above. These reports were periodically submitted before the Hon'ble High Court and the data products/mapping of structures in form of survey plans were submitted to the Coastal Village Panchayats/ /Municipality in terms of the directions of the Hon'ble High Court in M.C.A. No. 427 of 2007 in W. P. No. 422 of 1998 dated 18th March, 2008.

3. M/s. RSI, Hyderabad has interpreted rectified satellite data, on line to identify and delineate contiguous open plots measuring 4000 sq. mts. and above in the CRZ-III areas of Goa. By overlaying the geo-referenced revenue maps, the locations of each of these open plots in terms of survey numbers and sub-division number have been tabulated and broad landuse patterns in these plots have also been tabulated.

An atlas of the open plots in CRZ-III of all the villages has been made on 1:5000 scale and a table in MS Excel format showing the identification number (ID No.) of each plot, its locations in terms of survey of sub-division number and broad landuse/landcover pattern in these open plots has also been prepared.

M/s. RSI, Hyderabad has submitted a soft copy in portable document format.

4. In its report M/s. RSI, Hyderabad has indicated certain minor limitations to this study, as interpretation of the satellite data is with reference to the year 2005 and the landuse/landcover would need to be

ascertained by interpreting latest satellite imagery and/or field checks. Some of the open plots appear to fall in forest, which can be separated by overlaying the reserved forest map of the Forest Department, as and when required. Similarly some open plots fall in sand dune areas, which can be identified and separated. Many open plots fall in cultivated areas which need to be identified to ascertain the present status of cultivation/landuse. These features can be identified during site inspection separately.

Provisions of New CRZ Notification, 2011

5. The Ministry of Environment and Forests (MoEF), Government of India has notified the new Coastal Regulation Zone (CRZ) Notification, 2011 (S.O. No. 19(E) dated 6th January, 2011). Annexure-III to the CRZ Notification, 2011 defines the requirements and guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests. The same is enclosed as APPENDIX-I.

For any new development of a Hotel/Beach Resort/Motels or any structure with rooms for the purpose of temporary accommodation of visiting tourists, to be undertaken within 200 m. to 500 m. shall require to follow the guidelines as detailed above, subject to the State Government Development and Planning Regulations and Policy.

Provisions contained in Regional Plan for Goa, 2021

6. The Town and Country Planning Department, Government of Goa, has prepared the draft Regional Plan for Goa-2021 (RPG-21). As per draft RPG-21, all CRZ areas are classified as Other Eco-Sensitive zones (ECO-2), except CRZ-I areas, which are classified as Eco-Sensitive zones (ECO-1). Any development in ECO-2 areas will be as per CRZ guidelines.

The Town and Country Planning Department has vide Final Report, RPG-21

(Release One) dated 23rd November, 2010; has specified guidelines and has indicated that beach resorts/hotels/motels would be permitted on special conditions in Settlement Zone as mapped and defined in the land use maps approved by the Government [Reference: Appendix XI of the Final Report, RPG-21 (Release One)].

The Final Report, RPG-21 (Release One) also indicates a policy for Coastal and Hinterland Eco-Tourism for development in backward talukas for specific areas earmarked as a marker for development in the plans approved by the Government. [Reference: Chapter 4.2.2 (a) of the Final Report, RPG-21 (Release One)].

Guidelines for considering project proposals for Hotels/Beach Resorts in CRZ-III areas

7. Every proposal received by the GCZMA, will be forwarded for examination and assessment by the Goa State Expert Appraisal Committee (Goa-SEAC), in the first instance. While examining the proposal of any new Hotel related project in the open plots/spaces available, the Goa-SEAC, shall follow the guidelines as given below and incorporate the same in the Terms of Reference for the project proponents case:

(i) The land use/land cover as on site will be verified on ground by inspection. The surrounding land use pattern will be considered to determine the suitability of the land to be utilised for the purpose concerned.

(ii) The recommendations or findings of the Environmental Impact Assessment (EIA) report, will not be the sole criteria for determining the land use/suitability of the plot, for the purpose concerned. Additional reports on environmental standards/parameters pertaining to the site concerned, shall be identified and project proponents would be required to comply with the same.

(iii) Only those land areas, which are classified as "Settlement" in terms of

RPG- 21, will be considered for the purpose concerned.

(iv) The proposed project should essentially meet the requirements of recycling of effluents/sewage, efficient solid waste management practices and such other measures as directed by the Goa State Pollution Control Board.

(v) The proposed project's endeavour should be to meet 'Green' initiatives such as water harvesting (wherever feasible), use of solar and other renewable energy resources for lighting, heating etc.

(vi) The proposed project should be compliant to the standards prescribed under Environment (Protection) Rules, 1986 (as amended) and should also provide for compliance to the standards and conditions under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

(vii) All guidelines prescribed in CRZ Notification, 2011 shall be strictly followed.

8. On receipt of the proposal duly assessed and appraised by the Goa-SEAC, the same will be taken up for consideration by the GCZMA. Thereafter, the recommendations of the GCZMA and the appraisal of the Goa-SEAC, in respect of the project proposal shall be submitted to the Goa State Environmental Impact Assessment Authority (Goa-SEIAA) for its recommendations. Only on obtaining its favourable recommendations and with approval of the State Government, shall the project proposal be submitted to the MoEF for its consideration, in term of the CRZ Notification, 2011.

9. The conditions at para (7) and para (8), shall not apply to the hotel projects approved earlier by the State Government/MoEF or are in the process of being considered for approval by MoEF based on earlier State Government/GCZMA approvals.

10. This policy issues with the approval of the Government of Goa vide U. O. No. 96 dated 27th May, 2011.

Michael M. D'Souza, Director & ex officio Joint Secretary (STE).

Saligao, 10th June, 2011.

Appendix-I

ANNEXURE-III

Guidelines for development of beach resorts or hotels in the designated areas of CRZ-III and CRZ-II for occupation of tourist or visitors with prior approval of the Ministry of Environment and Forests

I. Construction of beach resorts or hotels with prior approval of MoEF in designated areas of CRZ-II and III for occupation of tourist or visitors shall be subject to the following conditions, namely:—

(a) the project proponent shall not undertake any construction within 200 metres in the landward side of High Tide Line and within the area between (Low Tide Line and High Tide Line in CRZ III)⁽¹⁾;

(b) the proposed constructions shall be beyond the hazard line or 200 mts. from the High Tide Line whichever is more;

(c) live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;

(d) no flattening of sand dunes shall be carried out;

(e) no permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;

(f) construction of basement may be allowed subject to the condition that no objection certification is obtained from the State Ground Water Authority to the effect that such construction will not adversely affect free flow of groundwater in that area;

(g) the State Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;

(h) though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;

(i) the total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;

(j) the construction shall be consistent with the surrounding landscape and local architectural style;

(k) the overall height of construction upto the highest ridge of the roof, shall not exceed 9 metres and the construction shall not be more than two floors (ground floor plus one upper floor);

(l) groundwater shall not be tapped within 200 metre of the High Tide Line; within the 200 metre 500 metre zone it can be tapped only with the concurrence of the Central or State Ground Water Board;

(m) extraction of sand, levelling or digging of sandy stretches except for structural foundation of building, swimming pool shall not be permitted within 500 metres of the High Tide Line;

(n) the quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986;

(o) necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

(p) to allow public access to the beach, atleast a gap of 20 metres width shall be provided between any two hotels or beach resorts and in

no case shall gaps be less than 500 metres apart; and

(q) if the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and

(r) approval of the State or Union territory Tourism Department shall be obtained.

II. In ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or State Government Union territories) construction of beach resorts or hotels shall not be permitted.

(1) In Annexure III, in item 1 (a), in line 2, the words "Low Tide Line and High Tide Line" be read as at (1) above vide S.O. 651 (E) dated 29-03-2011.



Department of Tribal Welfare

Directorate of Tribal Welfare

Order

1/21/2011-12/ADMN/TWD/903

Sanction of the Government is hereby accorded for creation of following posts in the Goa State Commission for Scheduled Castes and Scheduled Tribes under the establishment of Directorate of Tribal Welfare with immediate effect.

Sr. No.	Designation	Pay scale	No. of posts
1.	Sweeper	To be out sourced	1

This issues with the recommendation of Administrative Reforms Department vide their U. O. No. 567/F dated 30-5-2011, concurrence of Finance (Rev. & Cont.) Department vide their U. O. No. 1438949 dated 30-5-2011.

By order and in the name of the Governor of Goa.

Dipak S. Desai, Director & ex officio Joint Secretary (Tribal Welfare).

Panaji, 2nd June, 2011.

Department of Printing & Stationery

Government Printing Press

Order

5/15/2010-DPS/502

Government is pleased to announce Braille Embossing facility for the citizens on the following charges by providing the soft copy of the material:

(a) Embossing of educational material provided by the Educational Institutions in soft copy @ Rs. 5/- per Braille page.

(b) The commercial establishments like hotels/restaurants etc., @ Rs. 10/- per Braille embossing page.

By order and in the name of the Governor of Goa.

N. D. Agrawal, Director & ex officio Addl. Secretary (Printing & Stationery).

Panaji, 14th June, 2011.

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Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 9.00